



Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

JULY 8, 2019

9:30

Calendar No. 19-112:

11637 Clifton Blvd.

Ward 15

Matt Zone

13 Notices

Lee Solding Corp., owner, proposes to establish a patio for additional seating for a restaurant and nightclub in a C2 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.04(f) which states that 11 additional parking spaces are required and 4 spaces are actually being removed.
2. Section 341.02(a) which states that review and approval of the Cleveland Landmarks Commission is required. (Filed May 22, 2019)

9:30

Calendar No. 19-116:

1956 East 79 Street

Ward 7

Basheer Jones

7 Notices

Cleveland Best Properties, owner, proposes to establish use as urgent care medical clinic in the Midtown Mixed Use District 1 (MMUD1). The owner appeals for relief from the strict application of Section 344.04(d) of the Cleveland Codified Ordinances which states that a use that is not specifically listed in Schedule 344.04, as either a permitted principal or conditional use, shall be a prohibited use in the MMUD zoning district. The proposed use is not listed as either a permitted or conditional use. (Filed May 24, 2019)

9:30

Calendar No. 19-129:

3825 Lorain Avenue

Ward 3

Kerry McCormack

27 Notices

Singh Parmjit, owner, and Ace Cash Express, Lessee, propose to establish use as check cashing business/short-term/small loan lender in a C3 Local Retail Business District. The Lessee appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 347.17(a) which states that the purpose of this code section is to regulate the location of check-cashing businesses, and certain businesses that make short-term loans, small loans and mortgage loans, for the purpose of protecting neighborhoods from negative secondary effects created by the concentration or clustering of such businesses. Furthermore, the regulations are established to guard against market saturation which may lead to increased rates as an offset for lower business volume.
2. Section 347.17(d) which states that there shall be no more than one (1) check-cashing business, short-term loan lender, small loan lender or mortgage loan lender located within the City of Cleveland for each twenty thousand (20,000) persons residing in the City as recorded in the most recent decennial U.S. Census. No additional check-cashing businesses, short-term

loan lenders, small loan lenders or mortgage loan lenders shall be established if the current number of check-cashing businesses, short-term loan lenders, small loan lenders or mortgage loan lenders exceeds the maximum number permitted. There are 30 such current state licensed check cashing establishments already existing: the most recent decennial U.S. Census population of Cleveland was 390,000 allowing 19 such establishments (Filed May 31, 2019).

9:30

Calendar No. 19-130:

12312 Mayfield Rd.

Ward 6

Blaine Griffin

29 Notices

12312 Mayfield Road, LLC., owner, proposes to establish use as a micro-winery and bar/restaurant with outdoor café area and event space with a total occupancy of 150 persons in a legal, non-conforming mixed use apartment building in a C2 General Retail Business District. The owner appeals for relief from the strict application of the following sections of the zoning code:

1. Section 349.04(f) which states that total parking equal to one space for every four patrons or 38 parking spaces are required for the proposed use. A previous zoning variance was granted in Calendar No. 17-149 for project in which the space was described as a retail store; the variance was granted allowing for 22 less parking spaces than required.
2. Section 341.02(a) which states that review and approval of the Cleveland Landmarks Commission for exterior alterations is required. (Filed June 5, 2019)

9:30

Calendar No. 19-133:

2258 Professor St.

Ward 3

Kerry McCormack

9 Notices

Professor Properties LLC., owner, proposes to add new patio and entertainment in a C1 General Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 347.12(a)(1) which states that no such use shall be established within five hundred (500) feet of a residential district or day care center, kindergarten, elementary or secondary school, public library, church, playground, public or nonprofit recreation center or community center; the proposed entertainment use is within' 500 feet of a residential district.
2. Section 343.11(b)(2)(L) which states that the property shall be sufficiently insulated to confine noise to the premises per section 347.07.
3. Section 349.04(e) which states that 31 parking spaces are required and 18 spaces are proposed. (Filed June 7, 2019)

9:30

Calendar No. 19-135:

**2890 West 3 Street
(PPN008-30-016)**

Ward 3

Kerry McCormack

5 Notices

Midland Properties, owner, proposes to establish use as outdoor storage and processing of iron and steel in an A3 Unrestricted Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 345.04(a)(3) which states that the open yard storage of dirt, soil, crushed stone or gravel, mulch or construction material, secondhand lumber or other used building material, junk, paper, rags, unrepaired or uncleaned containers or other salvaged

articles is permitted provided the lot upon which the storage use occurs enclosed within a minimum seven (7) foot high solid masonry wall or solid, nontransparent, well-maintained substantial fence. Materials shall not be stored more than eight (8) feet above the top height of the wall or fence enclosing the property measured from the outside base elevation of the required screening fence. No opaque fencing is shown and height of storage of materials is not provided.

2. Section 345.05(b)(2) which states that, except as may be permitted by the Board of Zoning Appeals in specific instance, in an Unrestricted Industry District no open or unroofed yard for the storage of used building material, junk, unrepared or uncleaned containers or other salvaged articles, may be established within 50 feet of any public thoroughfare. (Filed June 10, 2019)

9:30

Calendar No. 19-136:

**3000 West 3 Street
(PPN008-30-020)**

Ward 3

**Kerry McCormack
5 Notices**

Midland Properties, owner, proposes to establish use as outdoor storage and processing of iron and steel in an A3 Unrestricted Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 345.04(a)(3) which states that the open yard storage of dirt, soil, crushed stone or gravel, mulch or construction material, secondhand lumber or other used building material, junk, paper, rags, unrepared or uncleaned containers or other salvaged articles is permitted provided the lot upon which the storage use occurs enclosed within a minimum seven (7) foot high solid masonry wall or solid, nontransparent, well-maintained substantial fence. Materials shall not be stored more than eight (8) feet above the top height of the wall or fence enclosing the property measured from the outside base elevation of the required screening fence. No opaque fencing is shown and height of storage of materials is not provided.
2. Section 345.05(b)(2) which states that, except as may be permitted by the Board of Zoning Appeals in specific instance, in an Unrestricted Industry District no open or unroofed yard for the storage of used building material, junk, unrepared or uncleaned containers or other salvaged articles, may be established within 50 feet of any public thoroughfare. (Filed June 10, 2019)

9:30

Calendar No. 19-131:

**6001 Dibble Avenue
/Department of Public Works
Invoice**

Ward 7

Basheer Jones

Doresa Gray, owner, appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the hearing officer dated May 3, 2019 to uphold the City of Cleveland's Department of Parks, Recreation, and Properties to issue invoices regarding abating nuisances at the subject property. (Filed June 5, 2019).

9:30

Calendar No. 19-132: 3668 Martin King Jr. Dr. Ward 7
/Department of Public Works Basheer Jones
Invoice

Richard Black, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the hearing officer, on May 30, 2019, to uphold the City of Cleveland's invoice WO40100224. issued April 18, 2019 regarding failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances (Filed June 6, 2019)

Postponed from June 3, 2019

Calendar No. 19-93: 3807 East 93 Street Ward 2
Kevin L. Bishop
20 Notices

Andrico Marshall, owner, proposes to establish uses as a motor vehicle service garage in a C2 Local Retail Business District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 343.01 which states that motor vehicle service garage is not permitted in a Local Retail Business District but first permitted in a General Retail Business District per Section 343.11(b)(2)(I)(3).
2. Section 352.08 through 352.12 which states that a 10 foot wide landscaped transition strip providing 75% year round opacity is required in rear of property where it adjoins residential district. A six foot wide landscaped frontage strip is required where property abut street. (Filed May 1, 2019- No Testimony) *FIRST POSPTONEMENT MADE AT THE REQUEST OF THE CITY PLANNING COMMISSION TO ALLOW FOR TIME FOR FURTHER REVIEW.*